

SEVENTH ANNUAL REPORT

OF THE

BOARD OF COMMISSIONERS

FOR THE

PROMOTION OF UNIFORMITY OF LEGISLATION
IN THE UNITED STATES.

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The Commonwealth of Massachusetts.

SEVENTH ANNUAL REPORT

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PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

To His Excellency the Governor and the Honorable Council of the Commonwealth of Massachusetts.

The Board of Commissioners for the Promotion of Uniformity of Legislation in the United States submits the following annual report:—

ORIGIN.

With the growth of commerce and means of transportation in the United States it gradually became evident that the scheme of government embodied in the Constitution of the United States adopted in 1788 involved certain defects in its operation. The powers granted to the Congress of the United States were limited to those matters which were then deemed national, while those which were then deemed local were left to be entirely dealt with by the legislatures of the several States, acting independently of each other.

As the country developed and means of travel and intercourse increased in a way not dreamed of in 1788, it became apparent that there were many matters of supreme importance pertaining to the welfare of the people of all the States which were clearly outside the powers of Congress.

The only practical way of dealing effectively with these matters of general concern was the adoption of some method which should secure uniformity of action by all the States.

UNIFORMITY OF STATE LEGISLATION.

The scheme which was finally adopted to bring about this result was the creation of a body clothed only with advisory powers for the drafting of legislation.

The American Bar Association was largely instrumental in forwarding the movement.

This new body was to consist of commissioners appointed by the several States, acting through their governors or legislatures.

These commissioners were to meet annually, and frame laws governing matters affecting the general welfare of the whole country.

NAME.

The name adopted for this new body was the Conference of Commissioners on Uniform State Laws. This name has recently been enlarged and now reads the National Conference of Commissioners on Uniform State Laws.

SESSIONS.

There have been regular annual sessions of this body since the year 1892. These sessions have always been held during the week prior to the meetings of the American Bar Association and at or near the places where those meetings have been held.

GROWTH.

In 1893, 19 States had appointed commissioners. In 1895, 28 States and 1 territory had joined in the work. In 1915 all the States and territories and insular possessions were represented by commissioners.

NATURE OF THE WORK.

The nature of the work performed by the conference and the commissioners has been twofold.

First. — There has been the work of framing uniform laws. This work has been done in the first instance by committees appointed by the conference. The committees usually have had assistance from experts having special acquaintance with the matters to be dealt with. The laws so framed have then

been discussed, and considered in detail by the conference sometimes for two years and more often for five or six or more years. When fully satisfied, the conference has approved the uniform laws and recommended the same for adoption by the several State legislatures.

Second. — There has been the work of procuring the adoption by the States of the uniform laws thus framed and approved. This work has hitherto been left largely to the commissioners in each State.

UNIFORM LAWS FRAMED.

The following is a list of the uniform laws which have been approved by the conference and recommended for adoption in the different States, with the dates when the same were approved: —

1896,	Uniform negotiable instrument act.
1900,	Uniform divorce act.
1901,	Uniform insurance act.
1901,	Uniform migratory divorce act.
1901,	Uniform divorce procedure act.
1907,	Uniform sales act.
1907,	Uniform warehouse receipts act.
1907,	Uniform divorce act.
1909,	Uniform stock transfer act.
1909,	Uniform bills of lading act.
1910,	Uniform foreign wills act.
1910,	Uniform desertion act.
1911,	Uniform child labor act.
1911,	Uniform marriage act.
1912,	Uniform marriage evasion act.
1914,	Uniform partnership act.
1914,	Uniform cold-storage act.
1914,	Uniform acknowledgment act.
1914,	Uniform workmen's compensation act.
1915,	Uniform pure food and drugs act.
1915,	Uniform flag act.

UNIFORM LAWS ADOPTED.

As already stated, the matter of securing the adoption of the uniform laws has heretofore been largely left in the hands of the commissioners in the several States. In some of the

States the matter has received little attention, and few or none of the acts have been adopted. In other States the commissioners have been more active, and better results have been attained.

The uniform negotiable instrument act has now been adopted in 46 States and the territory of Alaska and all the insular possessions.

The uniform sales act has been adopted in 12 States and the territory of Alaska.

The uniform warehouse receipts act has been adopted in 32 States, territories and Federal possessions.

We mention these for the purpose of showing that the work of this new legislative body has not been in vain.

The conference has now undertaken the work of rendering assistance to the commissioners in the several States in the matter of procuring the adoption of uniform acts, so that from now on it is probable that more will be accomplished in the way of securing the enactment of the uniform laws.

OBSTACLES.

All of the commissioners serve without compensation. In some of the States they are obliged to pay their own traveling expenses.

This handicap, however, has produced some good results. The commissioners have not been influenced by anything except patriotic motives.

There has been an entire absence of partisanship. The public welfare of the entire country has been the sole end and aim of all concerned.

The greatest obstacle, outside of mere indifference, has been a spirit of local pride or prejudice on the part of members of the legislatures in different States, which has led them to overlook the fact that the different States of the Union are members of one great family, and are vitally affected not only by what is done in their own State but also by what is done in other States of the Union. This obstacle will become less serious, we believe, when the importance of the uniform laws is fully appreciated.

MASSACHUSETTS COMMISSIONERS.

The following is a list of the men who have served and are now serving as commissioners for Massachusetts, with the periods of their service: —

Edmund H. Bennett,	. . . . .	1891-1898
Leonard A. Jones,	. . . . .	1891-1902
Frederick J. Stimson,	. . . . .	1891-1905
John C. Gray,	. . . . .	1898-1900
Louis D. Brandeis,	. . . . .	1900-1906
James Barr Ames,	. . . . .	1902-1910
George E. McNeil,	. . . . .	1905-1906
George W. Weymouth,	. . . . .	1905-1906
George E. Gardner,	. . . . .	1905-1908
Frederick H. Nash,	. . . . .	1906-1908
Samuel Ross,	. . . . .	1906-1914
Hollis R. Bailey,	. . . . .	1909-
Samuel Williston,	. . . . .	1910-
Joseph F. O'Connell,	. . . . .	1914-

MASSACHUSETTS UNIFORM LAWS.

Massachusetts has led the way in the matter of adopting the uniform laws.

The following is a list of those of the uniform laws which are now in force in Massachusetts, with a reference to the statutes embodying the same: —

Uniform negotiable instrument act,	. . . . .	R. L., c. 73; Acts 1910, c. 417.
Uniform sales act,	. . . . .	Acts 1908, c. 237.
Uniform warehouse receipts act,	. . . . .	Acts 1907, c. 582; Acts 1909, c. 227.
Uniform stock transfer act,	. . . . .	Acts 1910, c. 171.
Uniform bills of lading act,	. . . . .	Acts 1910, c. 214.
Uniform foreign wills act,	. . . . .	Acts 1911, c. 246.
Uniform desertion act,	. . . . .	Acts 1911, c. 456.
Uniform child labor act,	. . . . .	Acts 1913, cc. 779, 831.
Uniform marriage evasion act,	. . . . .	Acts 1913, c. 360.

UNIFORM LAWS NOT YET ADOPTED.

The uniform marriage act was introduced two different years into our Legislature by the commissioners, but was opposed by some of the city clerks, and failed of passage.

This uniform law is not very different from the present law of Massachusetts, and the commissioners have not felt it their duty to press its enactment with too great insistence.

The uniform acknowledgment act is substantially the same as the existing law of Massachusetts.

The uniform workmen's compensation act was framed with great care after three years' work on the part of a special committee and of the conference. We believe this law is better than the present workmen's compensation law in Massachusetts, and hope that before many years the uniform law may be adopted.

The uniform cold-storage act will be presented to our 1916 Legislature, and should be adopted.

At present your commissioners are devoting their attention principally to the uniform partnership act. This act is a decided improvement over the existing partnership law of Massachusetts in several important particulars. It has been adopted in Alabama, Pennsylvania and Wisconsin. It ought to be adopted in Massachusetts.

QUALITY OF WORK DONE.

The greater part of what is known as commercial law in Massachusetts for some years has been contained in the uniform laws framed by the Conference of Commissioners on Uniform State Laws and adopted by the Massachusetts Legislature.

These laws have stood the test of experience. No serious criticism of them has been made by either the bench or the bar or the business community.

No lawyer can consider himself well educated who is not acquainted with all the uniform commercial laws.

The two uniform social laws, viz., the uniform child labor law and the uniform desertion act, are recognized as good legislation.

The national conference of commissioners has an established reputation for conservatism, capacity and carefulness, and great weight is now given, and very properly given, to its recommendations.

LEGISLATION RECOMMENDED.

Your Board recommends the enactment in 1916 of the uniform partnership act and the uniform cold-storage act.

EXPENDITURES OF THE BOARD.

Apr. 14, 1915, conference of commissioners,	\$100 00
May 19, 1915, printing annual report,	15 00
Oct. 6, 1915, Hollis R. Bailey for traveling and other expenses,	206 90
Oct. 6, 1915, Samuel Williston for traveling and other expenses,	187 45
Nov. 17, 1915, Joseph F. O'Connell for traveling and other expenses,	198 34
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	\$707 69

HOLLIS R. BAILEY.

SAMUEL WILLISTON.

JOSEPH F. O'CONNELL.